

to a third reading. On motion of Mr. Reaves, the rule was further suspended, bill read third time and passed.

The following bills were severally read third time and passed, to wit :

A bill for the relief of Michael Pevetoe, Jr., and Michael J. Brake ;

A bill requiring the assessors and collectors of taxes to take the number of those liable to do military duty ;

A bill to authorize the county of Montgomery to levy a road tax ; and

A bill to legalize certain head-right certificates issued by the county court of Gonzales county.

Mr. Hill introduced a bill for the relief of assessors and collectors of taxes ; read first time.

On motion of Mr. Truit, the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, February 3, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Bigelow made the following report :

CITY OF AUSTIN, February 3, 1852.

The committee on Public Lands have had under consideration a bill for the relief of Isaac G. Parker, and find from the testimony of Hon. A. Sterne, J. W. Flanagan and others, that the original grantee, Jose Lewis Chirino, has been for a long time, and now is a resident of this State—that in issuing to him his headright certificate they omitted a portion of his name, to wit : "Chivino,"—that he was prevented from obtaining a patent.—The object of this bill is to remedy the difficulty.

Your committee find that in this bill the name of original grantee is incorrect, and recommend that "Chirino," in the fifth line be stricken out, and "Chivino," inserted, and recommend its passage ; which is submitted.

ISRAEL B. BIGELOW, Chairman.

Mr. Bogart, chairman of the committee on Counties and County Boundaries, reported back to the Senate a bill to incor-

porate the Dallas Bridge and Plank Road company, and recommended its passage.

Mr. Gray made the following report :

FEBRUARY 3, 1852.

The committee on the Judiciary have considered a bill supplementary to an act concerning crimes and punishments, approved March 20, 1848. It contains many valuable additions to the criminal law, which are much needed. The committee have prepared a substitute for the last portion of the bill, from section 45. The substitute modifies many features of the criminal code, found inconsistent in practice, and often subversive of justice. The committee recommend the passage of the bill.

P. W. GRAY, Chairman.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred a bill for the relief of William C. Swearingen, reported a substitute therefor, and recommended its adoption and passage.

Mr. Taylor, from the same committee, to which were referred a bill concerning the headright claims to land of Elias M. Eubanks and Elias N. Eubanks of Nacogdoches; a bill for the relief of John E. Linn; a bill for the relief Wright Coley of Robertson county; and a bill for the relief of Isaac Mullens, reported the same back to the Senate and recommended their passage.

Mr. Truit made the following report :

CITY OF AUSTIN, February 3, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate:

The committee on Roads, Bridges and Ferries have had under consideration a bill granting a public ferry across the Rio Grande, to P. C. Shannon of Cameron county.

Your committee are informed that P. C. Shannon has been the owner of a public ferry at Freeport, for several years. Under the existing laws the county courts of their respective counties have jurisdiction and control over all ferries, and as they are better prepared to judge of the wants of the public, and the rights of individuals desirous of establishing ferries, your committee think it advisable for the Legislature to interfere in questions of this character as little as possible.

Your committee, therefore, report the bill back to the Senate, and recommend its indefinite postponement.

All of which is respectfully submitted.

JAS. TRUIT, Chairman.

Mr. Dancy made the following report :

The committee on Claims and Accounts, after considering the memorial of Antonio Menchaca, referred to them, instruct me to report that it appears that in consideration of his services during our revolutionary struggle, the Republic of Texas authorized Antonio Menchaca to select a house and lot in San Antonio, which was forfeited by reason of the owner joining the enemy. The owner has returned and recovered the house and lot. Menchaca now asks to be permitted to prove that the original owner, Alexander Vidal, did bear arms against Texas, or abandon the country to avoid a participation in the war on the side of Texas. The committee think it but just, under the circumstances, that he should have that privilege, and have instructed me to report a bill for that purpose, and recommend its passage.

JON W. DANCY, One of the committee.

A bill for the relief of Antonio Menchaca ; read first time.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported a bill making appropriations for the improvement of the rivers, correctly engrossed.

Mr. Bogart introduced a bill to permanently locate the seat of justice of Cooke county ; read first time.

On motion of Mr. Bogart, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Bogart, the rule was further suspended, bill read third time and passed.

ORDERS OF THE DAY.

A bill for the relief of Robert Bartlett ; read third time and passed.

A bill to incorporate Bastrop Educational Society ; read third time, and passed by a constitutional majority.

A bill making appropriations for the improvement of the rivers ; read third time and passed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Duggan, Eddy, Gray, Grimes, Kinney, Merriman, Parker, Reaves, Scott, Sterne, Taylor, Truit, Williams and Wilson—19.

NAYS—Messrs. Burks and Hart—2.

A message was received from the House, informing the Senate that the House concurred in the amendments of Senate to a bill for the relief of John B. Thacker ; and to a bill concerning writs of certiorari to justices courts.

Also, that the House had adopted the Senate's substitute for a bill to amend the third section of an act providing for the transfer of the records of administrators to new counties, approved 13th May, 1846.

Also, that the House had passed the following bills, which originated in the Senate, to wit ;

A bill for the relief of Samuel B. Brigham, administrator of Asa Brigham, deceased ;

A bill to incorporate the Brazos Plank Road company ;

A bill to amend the charter of the town of Goliad ;

A bill for the relief of James Frazer ; and

Joint resolution requesting the Governor to solicit the President of the United States to cause the limits of the 8th military department to be so extended as to embrace the entire State of Texas.

Also, that the House had passed the following bills originating in that body, to wit :

A bill for the relief of the heirs of Edward E. Williams, dec'd, and Agapito Caiton or his assignee ;

A bill to amend the statute of limitations, approved February 5, 1841 ;

A bill for the relief of Pamela Allen ;

A bill to admit William J. M. Whaley and Webster Flanagan to practice law in the several courts of the State ;

A bill for the relief of Gen. Memucan Hunt ;

A bill to amend an act to organize the county courts, approved March 16, 1848 ;

A bill to protect camp-meetings and other places of public worship from molestation or disturbance ;

A bill to incorporate the Sulphur Springs in Hopkins county ;

A bill to incorporate the Richmond male and female Academies ; and

A bill supplementary and amendatory of an act for the relief of the colonists of Mercer's colony, of date February 2, 1850.

Also, that the House had appointed a committee of conference, consisting of Messrs. Doom, Johnson and Hartley, on the bill to make appropriations to pay the several assessors and collectors of taxes, for taking the census of their respective counties for the year 1851 ; and have passed by a constitutional majority over the veto of the Governor, an act confirming the action of the Auditor and Comptroller, under the provisions of an act of the Legislature, to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848, and the act supplementary thereto, approved February 8, 1850.

I am further instructed to transmit to the Honorable Senate, the following communication from his Excellency, the Governor, accompanied with a series of resolutions unanimously passed by

the Convention of the New Orleans and Opelousas Railroad companies, held in New Orleans, on the 3rd January, 1852.

EXECUTIVE DEPARTMENT, State of Texas, }
AUSTIN, January 30, 1852. }

*To the Honorable Senate,
and House of Representatives :*

I have the honor to transmit, herewith, a copy of a series of resolutions which were unanimously passed at a Convention of the New Orleans and Opelousas railroad, held in the city of New Orleans, on the 3rd instant, and which has been forwarded to this Department.

P. H. BELL.

Convention of New Orleans and Opelousas Railroads.

NEW ORLEANS, January 3, 1852.

On motion of the Hon. J. H. Overton, of the Parish of St. Landry, it was unanimously—

1st. *Resolved*, That the thanks of this Convention are hereby tendered to his Excellency, the Governor, and the members of the Legislature of the State of Texas, for the liberal and fraternal spirit in which they received our agent, the Hon. Buckner H. Payne, on his recent mission to the capital of that State.

2d. *Resolved*, That in the opinion of this Convention, additional energy will be given to the progress of the railroad from New Orleans to the Sabine, by the speedy passage of the charter recently introduced into the Legislature of Texas, granting a liberal appropriation of land by that State, while it will be the means of hastening the commencing of the road across that State to the Rio Grande.

3d. *Resolved*, That in the opinion of this Convention, the aforesaid charter and grant of lands will insure the construction of said railroad across the territory of Texas; that it will be the means of concentrating the public mind upon that route, as the great national highway to the Pacific, and that it will determine the action of the General Government in continuing the road, and constructing it across the continent.

4th. *Resolved*, That the States of Louisiana and Texas, being equally interested in this great public enterprise, ought to so unite their exertions and harmonize their Legislation, as to hasten its progress, and promote its early completion.

5th. *Resolved*, That a copy of these resolutions be transmitted to his Excellency, the Governor of Texas, with a request

that they be laid before the Senate and House of Representatives of the Legislature of that State.

MAUNSEL WHITE, President,

B. F. FLANDERS,
W. ALEX. GORDON, Secretaries. }

A bill to provide for the payment of that part of the public debt held by citizens of Texas; read.

Mr. Davis offered the following amendment:

Insert "and that said claim is for services rendered by him, her or them, to the Republic of Texas, or for goods, wares, merchandise, money or other things furnished said Republic;" rejected.

On motion of Mr. Davis, the bill was amended by inserting after "persons," in second line of 1st section, "their heirs or administrators."

Mr. Bigelow offered the following amendment:

Amend by adding after "her," in 4th line of 1st section, the words "or their," and after the word "her, in 10th line, add "or their;" adopted.

Mr. Dancy offered the following amendment:

"Provided, that nothing shall be paid by virtue of this law, unless it is paid to the person who rendered services, or sold property to the late Republic of Texas, for the claim upon which the payment is made, his heirs or administrators."

On motion of Mr. Davis, the bill was made the special order of the day for to-morrow.

On motion of Mr. Grimes, a bill granting and securing 640 acres of land to the heirs of George W. Crowls, deceased, to which they are entitled by virtue of the services and death of said George W. Crowls, in the army of the Republic of Texas, was placed among the orders of the day.

Mr. Grimes made the following report:

The committee, on Finance, to which was referred a joint resolution authorizing and requiring the Treasurer of the State to pay A. J. Hamilton the sum of fifteen hundred dollars, as counsel for the State, have examined the case, and find that the services for which this claim is presented, is in prosecuting four cases against Banks, one against claimants to land on Galveston Island, and one against Davis. In all these cases, Mr. Hamilton represented the interests of, and rendered important services to the State.

Your committee, therefore, report the bill back, and recommend it to the favorable consideration of the Senate.

A bill to incorporate the Henderson and Burksville Railroad company, together with the report of the committee on Internal

Improvements, offering amendments thereto, were read, amendments adopted, and bill passed to third reading.

On motion of Mr. Eddy, the rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Bigelow, Burks, Dancy, Davis, Doane, Duggan, Eddy, Gray, Kinney, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Truit and Wilson—17.

NAYS—Messrs. Grimes and Taylor—2.

Messrs. Grimes, Bigelow and Taylor, were appointed a committee of Conference, on a bill making appropriations to pay the several assessors and collectors for taking the census of their respective counties for the year 1851.

A bill to incorporate the town of Washington ; read, and passed to third reading.

On motion of Mr. Ford, the rule was suspended, bill read third time and passed.

A bill to extend the provisions of an act, approved February 8, 1850, to investigate land titles in certain counties therein named, together with the report of the committee on the Judiciary, offering a substitute therefor, were read, and substitute adopted.

On motion of Mr. Gray, the bill was amended by adding the following :

“The relinquishment made by this act shall not extend to salt lakes or mines.”

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Bigelow, Davis, Doane, Eddy, Ford, Gray, Grimes, Kinney, Merriman, Mensebach, Scott, Sterne, Taylor, Truit, Williams and Wilson—16.

NAYS—Messrs. Burks, Dancy, Duggan, Hart, Hill, Parker and Reaves—7.

On motion of Mr. Doane, the rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Bigelow, Davis, Doane, Eddy, Ford, Gray, Grimes, Kinney, Merriman, Meusebach, Scott, Sterne, Taylor, Truit, Williams and Wilson—16.

NAYS—Messrs. Burks, Dancy, Duggan, Hart, Hill, Parker and Reaves—7.

A bill concerning slander ; read second time, and ordered to be engrossed.

On motion of Mr. Davis, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported a bill in relation to punishment for capital offences; and

A joint resolution to amend the 3rd section of the 10th article of the constitution, correctly engrossed.

Mr. Bigelow made the following report :

CITY OF AUSTIN, February 3, 1852.

The committee on Public Lands have considered a bill for the relief of the heirs of Elizabeth Porter, and find that Elizabeth Porter was a resident of the Republic of Texas, on or before the 2nd day of March, 1836, and was the head of a family—that she applied to the board of land commissioners of Nacogdoches county, for one league and labor of land, which said application was rejected, and from which decision she appealed to the district court of the said county, as provided by law, and obtained, as appears from the record of said court, a decree in her favor, and a certificate was issued accordingly, and afterward lost.

The committee have instructed me to report the bill back to the Senate, and recommend its passage.

ISRAEL B. BIGELOW, Chairman.

Mr. Davis, chairman of the committee on State Affairs, to which was referred a bill authorizing the Governor to obtain a portrait of George Washington, belonging to the State and now in the city of Houston, reported the same back to the Senate, and recommended its passage, with the following amendment :

Insert at the end of first section, the words "provided, the same, after investigation by the Governor, in his opinion, is rightfully the property of Texas."

Mr. Williams made the following report :

The committee on Internal Improvements, to whom was referred the memorial of T. J. Chambers, have considered the same, and a majority instruct me to report the following bill :

A bill to encourage the deepening of the Anahuac Pass, at the mouth of the Trinity river; read first time.

A bill to authorize and require the Commissioner of the General Land Office to issue patents to legal purchasers at probate and sheriff's sales; read.

Mr. Reaves moved to indefinitely postpone the bill; lost.

Mr. Reaves offered as a substitute for the bill,

A bill to provide for the issuing of patents to legal purchasers of headright and other land certificates, at probate and sheriff's sales.

Mr. Hill moved to postpone the bill and substitute until the 4th day of July next; carried by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Doane, Duggan, Ford, Grimes, Hart, Hill, Kinney, Meusebach, Parker, Reaves and Sterne—14.

NAYS—Messrs. Davis, Eddy, Gray, Merriman, Scott, Taylor, Truit, Williams and Wilson—9.

On motion of Mr. Parker, a bill to pay Frederick Dawson a part of his claim against the Republic of Texas, was taken up and read second time.

On motion of Mr. Hart, "1851" was stricken out in 14th line of 1st section, and "1850" inserted.

Mr. Hart offered the following amendment:

"Provided, nothing herein contained shall be so construed as to place him in a better condition than he would have been, had he submitted his claim to the Auditorial board, created under the act of 1848;" adopted.

A message was received from the House, informing the Senate that the House had passed a bill relating to lands in Peters' colony, with amendments.

Also, that the House had passed a bill to provide for the erection of Capitol for the State of Texas.

Also, that the House had adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will adjourn sine die on the 16th day of February inst.

On motion of Mr. Sterne, the Senate adjourned until half-past 9 o'clock to-morrow morning.

WEDNESDAY, February 4, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Dancy presented the petition of Mrs. Miles; referred to the committee on Private Land Claims.

Mr. Dancy, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, after examining the bill to amend and continue in force an act to incorporate the Colorado Mining company, and other companies for similar purposes, approved 17th January, 1842, instruct me to say that there